

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JUAN LUNA,

Plaintiff,

v.

LINDA MOOD, *et al.*,

Defendants.

Case No. 2:24-cv-01199-JAD-EJY

REPORT AND RECOMMENDATION

On October 23, 2024, the Court entered an Order requiring Plaintiff to update his address in accordance with Local Rule IA 3-1. ECF No. 13. The Court gave Plaintiff through and including November 22, 2024 to comply with the Order. *Id.* The Court explained that failure to comply with the terms of the Court's Order would result in a recommendation to dismiss this case without prejudice. *Id.* The Court's mail to Plaintiff was returned undeliverable on November 5, 2024. ECF No. 15. As of today's date, Plaintiff has not updated his address or otherwise communicated with the Court. A court may dismiss an action based on a party's failure to prosecute an action or failure to obey a court order. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992).

Accordingly, IT IS HEREBY RECOMMENDED that this matter be dismissed without prejudice in its entirety.

DATED this 4th day of December, 2024.


ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE

NOTICE

Under Local Rule IB 3-2, any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court holds that the courts of appeal may determine that an appeal has been waived due to the failure to file

1 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). The Ninth Circuit
2 also holds that (1) failure to file objections within the specified time, and (2) failure to properly
3 address and brief the objectionable issues waives the right to appeal the District Court's order and/or
4 appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th
5 Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).